a due process claim, an equal protection violation or any constitutional issue.

She has never empaneled a jury. She has never instructed a jury on a reasonable doubt or sentenced a person to the penitentiary.

She has never had to decide whether a witness was telling the truth or not. As a judge, she has never heard a plaintiff, a defendant, a victim, or a child testify as a witness. She has never made that all-important decision of deciding whether or not a person is guilty or not guilty of a crime.

She has never held a gavel in a courtroom, and she has never made any decision in the heat of a trial. She has never ruled on a life-or-death issue.

Elena Kagan has never made a judgment call from the bench—not a single one. Yet, as a Supreme Court Justice, she would be second-guessing trial judges and trial lawyers who had been through the mud, blood, and tears of actual trials in actual courts of law. How can she possibly be qualified to fill the post of a Supreme Court Justice?

Kagan is an elitist academic who has spent most of her time out of touch with the real world and with the way things really are. Being a judge would be an exercise to the new Supreme Court nominee. She has read about being a judge in books, I suppose. She might even have played pretend in her college classroom. But she has never been a judge. She has never made a judicial decision, and her first one should not be as a member of the United States Supreme Court. She has never determined justice—not a single time. Yet she wants to be a Supreme Court Justice.

Besides never being a judge, she has never even been a trial lawyer. She has never questioned a witness, argued a case to a jury, or tried any case to any jury anywhere in the United States. She has absolutely no courtroom trial experience as a judge or as a lawyer. Real-world experience makes a difference. Reading books about something and actually doing it are two completely different things.

People's lives and livelihoods are at stake in these courtroom decisions. Courtroom experience is fundamental to being a judge on the Supreme Court. As anyone who has been through the court system can testify, a courtroom is a whole different world.

Putting Elena Kagan on the United States Supreme Court is like putting someone in charge of a brain surgery unit who has never done an operation. She may be qualified for the classroom, but she is certainly not qualified for the courtroom. She should stay in the schoolhouse since she has never been in trial at the courthouse. We cannot put the Constitution in the hands of someone who has never had to use it in the trial of a real case in a real court of law.

Elena Kagan—unqualified justice. And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

(Mr. WEINER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ISRAEL'S RIGHT TO SELF-DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, I rise to affirm Israel's right to self-defense and to express my outrage over the knee-jerk international condemnation of our strong ally following the recent flotilla incident.

The video is clear: The activists ignored warnings from Israeli forces to turn away from Gaza, and they disregarded invitations to offload their supplies elsewhere. Worst of all, they placed Israeli forces in grave danger by brutally attacking them.

Many countries immediately condemned Israel. Their reactions sharply contrast with their failures to denounce the hostile behavior of Iran and North Korea.

I applaud the Obama administration for avoiding this double standard. The United States must always stand against the unfair treatment of an important ally.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE 10TH AMENDMENT TASK FORCE

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Thank you, Mr. Speaker.

I appreciate the opportunity to be here and for talking especially about the 10th Amendment and about some of the efforts that Members of this House are making in a way to try and emphasize the significance and the importance of that particular amendment to the Constitution.

You know, Mr. Speaker, for the people who are allowed to work in this Chamber or for those who come in to visit, there are all sorts of historical references that they can see.

Up around the top of the wall over here, there are the cameos of the great icons of the world, of the great lawgivers of the world. Moses is the greatest of all lawgivers. He is the only one who has a full face, and he is looking directly at the Speaker. Everyone else has a side view going around here.

And there are only two Americans in this pantheon of great lawgivers in the history of the world, George Mason and Thomas Jefferson, who are on either side of the Speaker's rostrum, with some great language from Webster, telling us to use our resources to develop this country, which is in between the two.

I always thought it was somewhat ironic that Jefferson and Mason were the two great lawgivers whom we have from the United States in this Chamber, because neither of them actually signed the Constitution. Jefferson was not present at the time, and George Mason was one of three people who spent the entire time at the Constitutional Convention but who, at the end of that time, still refused to affix his signature to the document itself.

As I was teaching school, I insisted that every one of my kids had to say why Mason was one of those who did not sign the document. What was his rationale for it? Of course, it was because the document did not have a Bill of Rights.

Now, I was always hoping that one of my students would ask what I still think is a more significant question, which is not why did Mason not sign but, rather, why did all of the other brilliant men, the Founding Fathers—Washington and Franklin and Madison and Hamilton and Wilson and Dickinson and the rest—not go along with Mason? Why did they not add a Bill of Rights into the base document?

It was certainly not because these Founding Fathers did not believe in the idea of individual liberty. They had another method, another mechanism, that they thought more specific than actually listing down what our rights are and are not. It was the structure of government. Though not specifically